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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,386	08/24/2000	Don Rutledge Day	AUS920000360US1	3556
24033	7590	12/16/2003		
KONRAD RAYNES VICTOR & MANN, LLP 315 SOUTH BEVERLY DRIVE SUITE 210 BEVERLY HILLS, CA 90212				
EXAMINER BRUCKART, BENJAMIN R				
ART UNIT		PAPER NUMBER		
2155		5		

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

09/645,386

Applicant(s)

DAY ET AL.

Examiner

Benjamin R Bruckart

Art Unit

2155

All participants (applicant, applicant's representative, PTO personnel):

(1) Benjamin R Bruckart.

(3) Patrice Winder.

(2) David Victor.

(4) \_\_\_\_\_.

Date of Interview: 11 December 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 5.

Identification of prior art discussed: Network Workingr Group primary reference, and Stewart et al Pat no. 5,715,453.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant submitted a proposed claim 1 for feedback. The examiner felt claim one was too generic or broad in terminology to be distinguishably patentable over the cited references. Applicant suggested he would reword. Applicant argued with Stewart reference as not being applicable because it did not cite a plurality of sources. The examiner was not persuaded. Applicant argued the Stewart reference did not teach metadata, but the examiner felt based on the specification and the wording of the claims, that Stewart teaches dynamic data which can be considered as metadata. The definition or use of the word data and metadata was discussed and applicant decided to rewrite his proposed amendment for a last review before a filing..

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**FAX COVER SHEET****PLEASE DELIVER THIS FACSIMILE  
TO EXAMINER BENJAMIN R. BRUCKART**

TO: Commissioner for Patents  
Attn: Examiner Benjamin R. Bruckart  
Group Art Unit 2155  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: David W. Victor

OUR REF: 0072.0032  
TELEPHONE: 310-556-7983

Total pages, including cover letter: 3

**PTO FAX NUMBER 1-703-746-6568**

If you do NOT receive all of the pages, please telephone us at 310/556-7983, or fax us at 310/556-7984.

Title of Document Transmitted: PROPOSED AMENDMENT TO CLAIMS

Applicant: D.R. Day et al.  
Serial No.: 09/645,386  
Filed: August 24, 2000  
Group Art Unit: 2155  
Docket No.: AUS920000360US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on  
December 16, 2003

By:

Name: David W. Victor

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.R. Day et al. Examiner: Benjamin R. Bruckart  
Serial No.: 09/645,386 Group Art Unit: 2155  
Filed: August 24, 2000 Docket No.: AUS920000360US1  
TITLE: METHOD, SYSTEM, AND PROGRAM FOR GATHERING INDEXABLE  
METADATA ON CONTENT AT A DATA REPOSITORY

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted via facsimile to Examiner Benjamin Bruckart of the U.S. Patent and Trademark Office at 1-703-746-6568 on December 16, 2003.

Geoffrey A. Bell

INFORMAL COMMUNICATION -DO NOT ENTER INTO RECORD:PROPOSED AMENDMENT TO THE CLAIMS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Below is a proposed amendment to independent claim adding requirements to address the issues discussed during our phone interview on Friday, Dec. 12<sup>th</sup> at 1:00PM (EST). The proposed amendments to claim 1 would be made to the additional independent claims 21 and 39 to place all pending claims in condition for allowance..

Serial No. 09/645,386  
Docket No. AUS920000360US1  
Firm No. 0072.0032

## PROPOSED AMENDMENT TO THE CLAIMS

1. (Proposed Amendment) A method for searching a data ~~repository~~ repositories managed by ~~[[a]]~~ different content ~~provider~~ providers to gather indexable metadata on content at addresses locations at the data ~~repository~~ repositories, comprising:

accessing customized settings capable of being customized by the content provider, wherein the customized settings provide ~~instructions on an action to perform and parameters to use with respect to content in how to search~~ the content provider's data repository;

accessing content pages at the content provider's data repository;

~~performing the action on the accessed~~ accessing the content of content pages at the content provider's data repository in accordance with ~~instructions included the action and parameter provided in the accessed customized settings provided by the content provider; and receiving information resulting from the action performed with respect to the accessed content; and~~

generating metadata including the received information from accessed content pages to add to an index of metadata for accessed addressable locations at the data repository, wherein customized settings from the different content providers are accessed to perform actions indicated in the customized settings with respect to the data repositories managed by the different content providers, and wherein the index of metadata includes metadata on content from the data repositories of the different content providers.

Dated: December 16, 2003

By: 

David W. Victor  
Registration No. 39,867

Please direct all correspondences to:

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